

County Attorney

MISSION STATEMENT

The mission of the Office of the County Attorney is to act as the chief legal officer of Montgomery County government and to conduct all its legal business.

BUDGET OVERVIEW

The total recommended FY06 Operating Budget for the Office of the County Attorney is \$4,932,700, an increase of \$452,990 or 10.1 percent from the FY05 Approved Budget of \$4,479,710. Personnel Costs comprise 90.2 percent of the budget for 66 full-time positions and seven part-time positions for 44.4 workyears. Operating Expenses account for the remaining 9.8 percent of the FY06 budget.

Not included in the above recommendation is a total of \$2,721,840 and 26.2 workyears that are charged to: Board of Appeals, General Fund (\$63,020, 0.5 WY); Cable Television (\$72,420, 0.5 WY); Finance, General Fund (\$132,570, 1.0 WY); Finance, Self Insurance Internal Service Fund (\$1,661,720, 17.0 WYs); Health and Human Services, General Fund (\$170,590, 2.2 WYs); Housing and Community Affairs, General Fund (\$60,130, 0.5 WY); Montgomery Housing Initiative (\$90,280, 0.7 WY); Human Resources, Employee Health Benefit Self Insurance Fund (\$44,690, 0.3 WY); Human Resources, Employee Retirement System (\$29,940, 0.2 WY); Human Resources, Retirement Savings Plan (\$7,370); Intergovernmental Relations, General Fund (\$15,200, 0.3 WY); BIT 457 Deferred Comp. Plan (\$96,860, 0.7 WY); Bethesda Parking District (\$19,730, 0.1 WY); Silver Spring Parking District (\$19,730, 0.2 WY); Permitting Services (\$127,370, 1.0 WY); and Solid Waste Disposal (\$110,220, 1.0 WY). The funding and workyears for these items are included in the receiving departments' budgets.

HIGHLIGHTS

❖ Productivity Enhancement

- In FY04, the Debt Collection Unit collected \$16.8 million in delinquent property taxes, income taxes, and other delinquent subrogation claims, checks and unpaid fines, which is a \$9.8 million or 140 percent increase over FY03 actual debt collections of \$7.0 million.

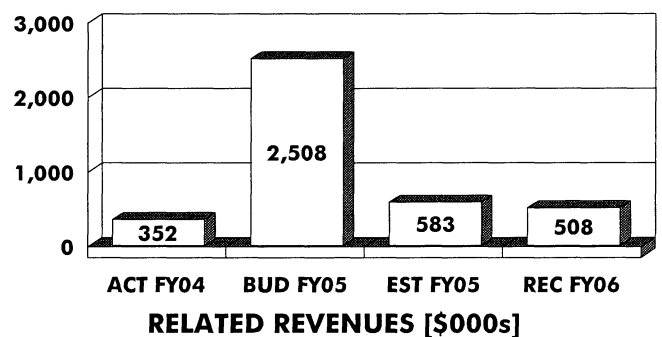
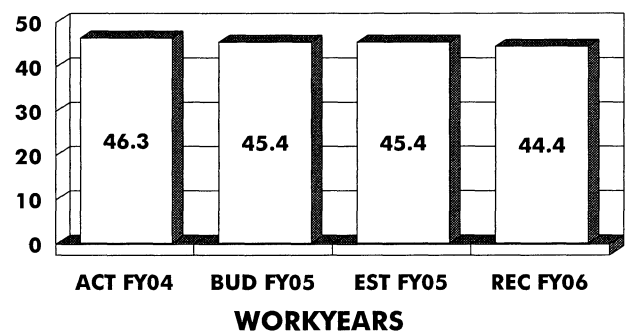
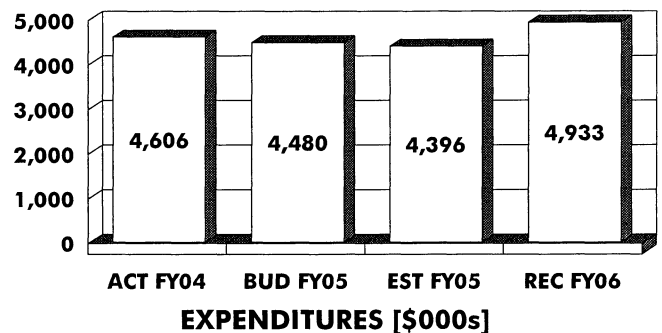
PROGRAM CONTACTS

Contact Dennis Via of the Office of the County Attorney at 240.777.6715 or Philip Weeda of the Office of Management and Budget at 240.777.2784 for more information regarding this department's operating budget.

Program Summary

	Expenditures	WYs
Litigation Services	105,530	0.0
General Counsel	2,326,140	16.2
Special Projects	1,360,210	14.5
Support Services	310,220	5.7
Administration	830,600	8.0
Totals	4,932,700	44.4

Trends



PROGRAM DESCRIPTIONS

Litigation Services

The Litigation Services program prosecutes or defends all contested cases involving Montgomery County government and the Montgomery County Self Insurance Fund before County, State, and Federal administrative or quasi-judicial agencies and trial courts.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	96,820	0.0
FY06 CE Recommended	105,530	0.0

General Counsel

The General Counsel program provides legal advice and policy direction to all County departments as required by the County Charter. The County Attorney and staff act as counsel and give legal advice to the County Executive, the County Council, and County departments, agencies, boards, and commissions. The program drafts and reviews agreements, legislation, executive regulations, administrative procedures, and other legal documents. The County Attorney and staff testify before public bodies, conduct negotiations, and issue legal opinions.

The Preventive Law and Education portion of the program conducts preventive law programs for County agencies and advises agencies concerning standards imposed or changed by applicable County, State, or Federal laws, regulations, or court decisions. This program also responds to citizen and media inquiries concerning local laws and current legal issues involving Montgomery County. The program provides contract drafting seminars for all contract administrators in the County, witness seminars for employees giving testimony in civil cases, and police use of force instruction among the educational programs offered.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	2,111,540	17.2
FY06 CE Recommended	2,326,140	16.2

Special Projects

The Special Projects program provides representation in all appellate cases, child protective services, code publication, and debt collection. The Appellate Advocacy unit reviews, briefs, and argues all cases on appeal. The Debt Collection unit is responsible for the collection of all monies owed to Montgomery County that were referred to the County Attorney, including past due personal property taxes, code enforcement judgments, subrogation claims, bounced checks, unpaid fines, and other miscellaneous amounts billed by the County but not received. This program is supported by a small percentage of the funds collected.

The Protective Service component of the program is responsible for providing legal counsel and representation to the Department of Health and Human Services, including guardianship for the disabled, elderly, the Children in Need of

Assistance program (CINA), and termination of parental rights cases.

The Code Publishing component of the program is responsible for publishing the Montgomery County Code and other appropriate legal documents. This program is supported by revenue generated from the sale of the code.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	1,235,300	14.5
FY06 CE Recommended	1,360,210	14.5

Support Services

The Support Services program is established to provide administrative, research, and technical guidance and support to the other programs within the Department. The program is designed to allow for an equitable distribution of work assignments, to cross-train staff, and to evaluate fairly the performance of the program staff. The program provides administrative support to the Risk Management Fund, Revenue Authority, and Solid Waste Fund.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	281,730	5.7
FY06 CE Recommended	310,220	5.7

Administration

The Administration program provides internal personnel, financial, and operational management for the Office of the County Attorney.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	754,320	8.0
FY06 CE Recommended	830,600	8.0

BUDGET SUMMARY

	Actual FY04	Budget FY05	Estimated FY05	Recommended FY06	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	3,064,867	3,350,640	3,123,660	3,510,520	4.8%
Employee Benefits	724,316	731,120	834,130	938,800	28.4%
County General Fund Personnel Costs	3,789,183	4,081,760	3,957,790	4,449,320	9.0%
Operating Expenses	817,241	397,950	438,150	483,380	21.5%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	4,606,424	4,479,710	4,395,940	4,932,700	10.1%
PERSONNEL					
Full-Time	62	63	63	66	4.8%
Part-Time	8	7	7	7	—
Workyears	46.3	45.4	45.4	44.4	-2.2%
REVENUES					
Child Welfare FFP Federal Reimbursement	292,096	338,960	338,960	338,960	—
Revenue Authority Reimb. for Legal Services	0	74,050	149,090	74,050	—
County Code CD-Rom	0	15,000	15,000	15,000	—
County Attorney Collection Fee	13,926	0	0	0	—
Collection of Delinquent Taxes	0	2,000,000	0	0	—
County Code Subscription Fee	45,886	80,000	80,000	80,000	—
County General Fund Revenues	351,908	2,508,010	583,050	508,010	-79.7%

FY06 RECOMMENDED CHANGES CROSSWALK

	Expenditures	WYs
COUNTY GENERAL FUND		
FY05 ORIGINAL APPROPRIATION	4,479,710	45.4
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY06 Compensation	239,400	0.0
Increase Cost: FY06 Group Insurance Rate Adjustments	73,540	0.0
Increase Cost: FY06 Retirement Rate Adjustments	54,620	0.0
Increase Cost: Case Management System [Administration]	41,000	0.0
Increase Cost: Electronic Document Management System [Administration]	18,000	0.0
Increase Cost: Annualization of FY05 Operating Expenses	9,130	0.0
Increase Cost: Database Maintenance [Administration]	4,500	0.0
Increase Cost: Local Travel - Workers' Compensation Hearing Coverage [Litigation Services]	3,500	0.0
Increase Cost: Records Management	3,400	0.0
Increase Cost: Records Management (One Time Only)	3,400	0.0
Increase Cost: Printer and Fax Machine Maintenance [Administration]	2,500	0.0
Shift: Eliminate Scholar Attorney group position and create two Assistant County Attorneys	0	-1.5
Shift: Eliminate temporary Legal Secretary position and create one Principal Administrative Aide	0	0.5
FY06 RECOMMENDATION:	4,932,700	44.4

FUTURE FISCAL IMPACTS

Title	CE REC.			(S000's)		
	FY06	FY07	FY08	FY09	FY10	FY11
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY06 Recommended	4,933	4,933	4,933	4,933	4,933	4,933
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Items Recommended in FY06	0	-62	-62	-62	-62	-62
Items recommended for one-time funding in FY06, including expenses associated with the Case Management System (\$41,000), the Electronic Document Management System (\$18,000) and records management (\$3,400) will be eliminated from the base in the outyears.						
Labor Contracts	0	231	273	273	273	273
These figures represent the annualization of FY06 increments, general wage adjustments, and associated benefits. Estimated compensation (e.g., general wage adjustment and service increments) for personnel are included for FY07 and beyond.						
Subtotal Expenditures	4,933	5,102	5,143	5,143	5,143	5,143

COUNTY ATTORNEY

PROGRAM:

Special Projects

PROGRAM ELEMENT:

Debt Collection

PROGRAM MISSION:

To provide timely and efficient collection of delinquent monies owed to Montgomery County

COMMUNITY OUTCOMES SUPPORTED:

- Provide high value for tax dollars
- Ensure respect for the law
- Ensure accountability

PROGRAM MEASURES

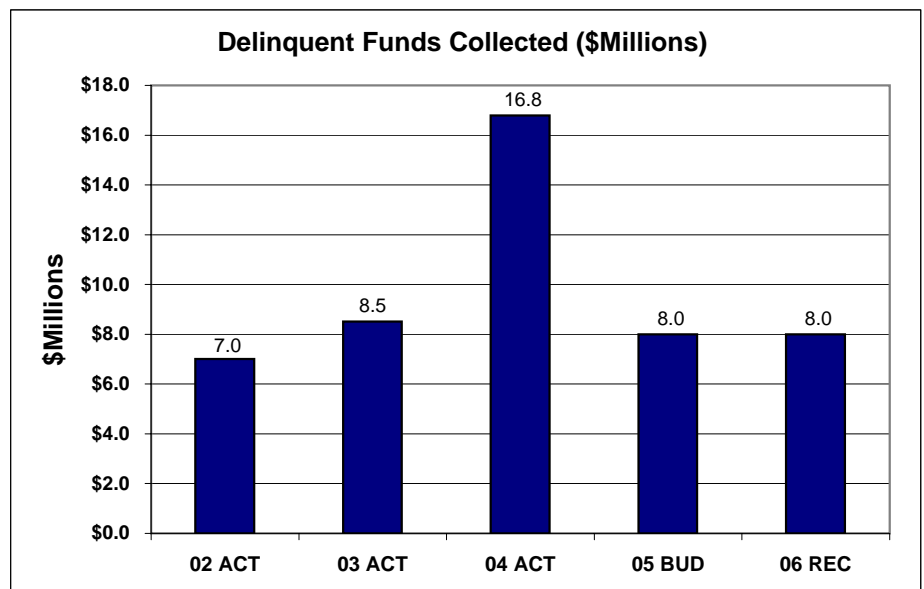
	FY02 ACTUAL	FY03 ACTUAL	FY04 ACTUAL	FY05 BUDGET	FY06 CE REC
Outcomes/Results:					
Delinquent funds collected (\$000)	7,006	8,510	16,789	8,000	8,000
Service Quality:					
Average time to close a case (days)	461	626	847	^b 108	108
Percentage of cases closed ^a	21.9	62.3	26.0	16	16
Efficiency:					
Cost per closed case (\$)	62.48	30.03	50.55	43.44	43.44
Delinquent funds recovered per closed case (\$)	941.41	696.06	1,855.55	1,000.00	1,000.00
Delinquent funds recovered per dollar expended (\$)	15.07	23.18	36.71	23.02	23.02
Workload/Outputs:					
Total cases opened	9,879	5,707	10,203	12,000	12,000
Total cases closed	7,442	12,226	9,048	8,000	8,000
Inputs:					
Expenditures (\$)	464,977	367,124	457,367	347,500	347,500
Workyears	8.0	8.0	8.0	8.0	8.0

Notes:
^aThe percentage of cases closed refers to cases opened and closed in the same fiscal year.

^bThis reduction in the average time to close a case is due to an operational review of the unit's cases and a large number of old cases being written off as uncollectible debt.

EXPLANATION:

The Debt Collection Unit is responsible for the collection of all monies owed to Montgomery County that were referred to the County Attorney, including past due personal property taxes, code enforcement judgments, subrogation claims, bounced checks, unpaid fines, and other miscellaneous amounts billed by the County but not received. The funds collected have greatly exceeded the cost of the program: collections were about 15 times greater in FY02, 23 times greater in FY03, and nearly 36 times greater in FY04. The Unit's focus in FY05 will be on further reducing the cost of collection, assisted by the efficiencies associated with the implementation of a new debt collection system in FY04.



PROGRAM PARTNERS IN SUPPORT OF OUTCOMES: Office of the County Attorney, Montgomery County Treasury Division, Maryland State Department of Assessments and Taxation.

MAJOR RELATED PLANS AND GUIDELINES: Maryland Tax Code, Montgomery County Tax Policies.